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Permanent Forum on Indigenous Issues
Second session
New York, 12-23 May 2003
Agenda item 4 (b)
Mandated areas: environment

Draft recommendations submitted by the Rapporteur

Environment

Recommendation 1
Progress of work in the area of environmental development

1. The Permanent Forum on Indigenous Issues requests the Secretary-General, through the Economic and Social Council, to prepare a report on the implementation of chapter 26 of Agenda 21 and other relevant chapters, such as chapter 36 and 15, that focus on how the Commission on Sustainable Development, in conjunction with secretariats of other environmental bodies (Convention on Biological Diversity, United Nations Framework Convention on Climate Change, United Nations Environment Programme (UNEP), Global Environment Facility (GEF), United Nations Forum on Forests etc.) are implementing those chapters for indigenous peoples in their work, and that the report be submitted to the Forum at its third session.

Recommendation 2
United Nations Framework Convention on Climate Change

2. The Forum requests the United Nations Framework Convention on Climate Change to consider the possible establishment of an ad hoc open-ended intersessional working group on indigenous peoples and local communities and climate change, whose objectives would be to study and propose timely, effective and adequate solutions to respond to the urgent situations caused by climate change that indigenous peoples and local communities face. The Forum also requests the Convention to provide necessary funding support to Forum members and indigenous peoples to guarantee their participation and to strengthen their capacity.

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Recommendation 3
World water

3. With regard to the environmental issue of water, the Forum, recognizing the indigenous peoples' Kyoto water declaration made at the World Water Forum, held in Kyoto, Japan, in March 2003, requests that the Commission on Sustainable Development and other relevant United Nations bodies (i.e., UNEP, the United Nations Educational, Scientific and Cultural Organization) consider the declaration in their discussions on this theme in 2004.

Recommendation 4
Waste, chemicals and pollution

4. The Forum recommends that the United Nations system urge all States to ratify the Kyoto Protocol, the Bio-Safety Protocol, the Stockholm Convention on Persistent Organic Pollutants (the Conference of Parties to the Stockholm Convention should establish mechanisms for indigenous peoples to maintain an active presence at its meeting), the Rotterdam Convention on Hazardous Chemicals, the Basel Convention and its 1995 prohibition on the export of hazardous waste from the countries of the Organisation for Economic Cooperation and Development to non-member countries, and 1996 Protocol to the London Convention on marine waste deposits etc.

5. The Forum, through the Economic and Social Council, requests the United Nations Environment Programme (UNEP) to develop mechanisms for indigenous peoples to participate in the persistent organic pollutants global monitoring programme's evaluation process under the Stockholm Convention. The Forum also welcomes the key findings of the UNEP global mercury assessment, and requests the Economic and Social Council to recommend that UNEP take immediate action on mercury contamination and work towards initiating a global legally binding instrument and other measures at the next UNEP Governing Council meeting of environmental ministers, to be held in the Republic of Korea in 2005.

Recommendation 5
Mining and mineral extraction

6. The Forum requests the United Nations system, particularly the Office of the United Nations High Commissioner for Human Rights and UNEP, taking note of the World Bank's extractive industries review, through the Economic and Social Council, to organize a workshop on resource extraction and indigenous peoples to further discuss such issues as corporate accountability and the rehabilitation of mined out areas, polluted water bodies and compensation of adversely affected communities, sustainable development and land rights, with a view to developing a mechanism to address the issues

Recommendation 6
Forests, parks and protected areas

7. The Forum, taking note of the interest expressed at its second session in future collaboration with the United Nations Forum on Forests, requests the United Nations Forum on Forests to invite members of the Permanent Forum on Indigenous Issues to participate in sessions of both the United Natiqaaaaons Forum on Forests and the Collaborative Partnership on Forests.

8. The operational policy of the World Bank regarding forests is under review. The Forum recommends to the Bank that it take into account the recommendations made by indigenous peoples and calls for the involvements of Forum members in the Bank's process of review and revision.

9. The Forum notes the preparation of the World Congress on Protected Areas, to be held in Durban, South Africa, in September 2003, which Forum members consider to be an important meeting calling for their attention and action. The Forum recommends that all laws, policies or work programmes on forests and protected areas guarantee, ensure and respect indigenous peoples' spiritual and cultural lives, lands and territorial rights, including sacred sites, needs and benefits, and recognize their rights to access to and control over management of forests.

Recommendation 7
World Trade Organization

10. The Forum, mindful of the current discussion in the World Trade Organization (WTO) as it relates to multilateral agreements on trade and investment, agricultural subsidies, intellectual property rights and access to life-saving drugs and the possible impacts they could have on indigenous peoples, invites the secretariat of WTO to its third session for an exchange of views on those and other important issues.

Recommendation 8
Environmental impact assessment and cultural diversity

11. The Forum recommends that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank and UNEP, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that make cultural, environmental and social impact assessments studies mandatory and ensure the environmental accountability of economic, social and environmental projects that are proposed to be conducted on sacred sites and on lands, territories and waters traditionally occupied or used by indigenous peoples.

12. Taking into account decision 22/16 of the Governing Council of UNEP, the Forum requests UNEP and relevant United Nations agencies and programmes to hold consultations at the regional and national levels with indigenous peoples to examine this issue and prepare recommendations on possible further strengthening of the understanding of the link between environment and cultural diversity.

Recommendation 9
Convention on Biological Diversity

13. The Forum, as the highest-level United Nations body with expertise in indigenous issues, requests the Convention on Biological Diversity to invite Forum members to participate in the work of the Conference of Parties to the Convention and the working group on article 8j and other working groups of the Convention. The Forum recommends the establishment of an international ethical code on bio-prospecting in order to avoid bio-piracy and ensure the respect for indigenous cultural and intellectual heritage. Under the framework of the Convention, a mechanism should be established for the repatriation and devolution of genetic materials collections to indigenous peoples. The Forum recommends to the Convention secretariat that the global taxonomy initiative incorporate an ethical

principles and social framework for the protection of indigenous peoples' rights to their lands, traditional knowledge and resources before its implementation.

Recommendation 10
World Intellectual Property Organization

14. The Forum, noting the future mandate of the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to be considered by the Committee at its session to be held in July 2003, expresses the wish that the mandate of the Committee should have as its clear objective the continued development of mechanisms, systems and tools that adequately protect the genetic resources, traditional knowledge and expressions of culture of indigenous peoples at the national, regional and international levels. The Forum affirms its willingness to contribute its expertise and experience to the work of the Committee and to play a consultative role in assisting mechanisms that may be established by member States of WIPO, and urges the Committee to assist two Forum members in participating systematically and effectively in the process by establishing a special fund.

15. The Forum requests WIPO to undertake a study, in collaboration with Forum members, on the use of indigenous knowledge relating to medicinal plants and resources, the commercialization of such knowledge and how indigenous communities are benefiting from such commercialization.

Recommendation 11
Funding for indigenous peoples' projects

16. The Forum requests all United Nations environmental bodies, in particular the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, UNEP, GEF, the World Bank and the United Nations Development Programme to make the necessary efforts to mobilize resources for projects by indigenous peoples, and provide financial support to strengthen the international indigenous peoples Forum on biodiversity and the Permanent Forum on Indigenous Issues.

Recommendation 12
Participation of indigenous peoples

17. The Forums recommend to the Economic and Social Council that the United Nations system guarantee the full and effective participation of indigenous peoples in appropriate processes and environmental conventions, such as those on desertification, wetlands and climate change.

Recommendation 13
High-level panel on the participation of civil society

18. Recognizing the emerging role of civil society and indigenous peoples in the search for creative solutions as a means of contributing to formulating, developing and implementing policies and programmes of the United Nations system, the Forum welcomes the initiative of the Secretary-General to create a high-level panel to prepare a series of recommendations on the participation of civil society in the work of the United Nations system. The Forum requests that the Secretary-General ask the high-level panel to hold consultations and to take into account the recommendations of the Forum on the improvement of indigenous peoples' participation in and contributions to the work of the United Nations system.

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Agenda item 4 (c)
Mandated areas: health

Draft recommendations

Rapporteur: Willie **Littlechild**

1. The Permanent Forum reiterates the recommendations made in its report on its first session and:

(a) Urges the World Health Organization (WHO), the Pan American Health Organization (PAHO) and all United Nations bodies and agencies involved in programmes relating to health to incorporate indigenous healers and cultural perspectives on health and illness into their policies, guidelines and programmes, and to undertake regional consultations with indigenous peoples on these issues, in order to mainstream indigenous health issues into the United Nations system;

(b) Urges the Food and Agriculture Organization of the United Nations (FAO) to undertake a study on the relationship between food security, subsistence agricultural practices and indigenous health and illness.

2. The Permanent Forum recommends that WHO, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), and the United Nations Population Fund (UNFPA) convene a workshop on indigenous health, with the goal of addressing a system-wide strategy to address the health needs of indigenous peoples and setting out the terms of reference for a study on the health needs of indigenous peoples, with particular emphasis on indigenous children and women including infant mortality, reproductive rights, sterilization, domestic abuse and addiction and the collection of data relating to these issues. The Forum requests that its focal point and a representative of the Indigenous People's Caucus on Health be invited to attend and be provided the means to participate.

3. The Permanent Forum urges the Global Alliance For Vaccination Initiatives (GAVI) to sponsor a workshop and also urges UNDP to co-sponsor a workshop to expand global programmes for immunization and vaccination of indigenous women and children and to assess the need for safety protocols relating thereto. The Permanent Forum recommends that its focal point in health and a representative of the Indigenous People's Caucus on Health be invited to attend and be provided the means to participate.

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4. The Permanent Forum recommends that UNICEF prepare a report on indigenous children who have limited or no access to direct health-care services, including recommendations to improve health-care access.

New recommendations

General

5. The Permanent Forum urges UNICEF, the lead United Nations agency on children, to adopt a policy relating to indigenous children and to designate an agency focal point on indigenous children. The Permanent Forum urges UNICEF to include questions on ethnicity, cultural and tribal affiliation and language in its Demographic and Health and Multiple Indicator Cluster Surveys, in order to obtain disaggregated data on the goals set forth at the World Summit for Children and the health needs of indigenous children.

6. The Permanent Forum urges WHO, in implementing the outlined global strategy on health of marginalized ethnic populations, to gather data and extend programme services to indigenous peoples who self-identify as indigenous based on criterion relating to ethnicity, cultural or tribal affiliation and language.

7. The Permanent Forum urges WHO to engage in a global consultation with indigenous peoples and others on its participatory research guidelines and seek the advice of the Permanent Forum on the guidelines.

8. The Permanent Forum urges UNICEF, UNDP, the United Nations Development Fund for Women (UNIFEM), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Global Fund for AIDS to gather and disaggregate data on indigenous infants, children and mothers based on criterion relating to ethnicity, cultural and tribal affiliation and language.

Environment/health/persistent organic pollutants

9. The Permanent Forum recommends that the Governing Council of the United Nations Environment Programme (UNEP) urge States to ratify the Stockholm Convention on Persistent Organic Pollutants and adopt the recommendations of the Conference of the Parties relating to its implementation.

10. That the Permanent Forum invite UNDP and the Statistical Branch of the Department of Economic and Social Affairs to present a report at the 2004 session of the Forum, setting forth the progress made to date on the Millennium Development Goals, with special focus on alleviating poverty and its affects on indigenous peoples and communities.

11. That the Committee on the Rights of the Child, as the treaty monitoring body for the Convention on the Rights of the Child, review the compliance of States Parties with article 24, which recognized the basic right of all children to "the provision of adequate and nutritional foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution", with particular attention to its impact on traditional subsistence foods, and that the Committee address those issues during the day of general discussion on the indigenous child in September 2003.

12. The Permanent Forum recommends that the Special Rapporteur on toxic waste, with the participation of the Committee on the Rights on the Child, UNEP and WHO, conduct a workshop on the impacts of persistent organic pollutants and pesticides on indigenous peoples, including examining the promotion and use of pesticides by multinational corporations.

HIV/AIDS

13. The Permanent Forum recommends that the Global Fund and UNAIDS participate in the Inter-Agency Support Group and that the Fund and UNAIDS present a report on the impact of their programmes and activities on indigenous peoples and communities to the Permanent Forum at its 2004 session, with specific focus on preventative programmes and activities impacting children and infants.

14. The Permanent Forum recommends that the Global Fund review their funding strategy in order to include access by indigenous non-governmental organizations and health providers for community-based culturally appropriate HIV/AIDS programmes.

Other specific issues

15. The Permanent Forum recommends the Special Rapporteur on violence against women, its causes and consequences to pay special attention to the impact of violence against indigenous women, including war-related violence and domestic violence.

16. The Permanent Forum recommends that the Special Rapporteur on the right to health pay special attention in his work to the right to health as contained in treaties between indigenous peoples and States.

17. The Permanent Forum recommends that the United Nations agencies supporting and promoting the Healthy Environments for Children Alliance, namely WHO, UNICEF, UNEP and the United Nations Centre for Human Settlements (UN-HABITAT), include a particular focus on indigenous children and youth.

18. The Permanent Forum urges States to undertake and promote the expansion of their national health systems in order to provide holistic health programmes for indigenous children that incorporate preventive medical practices and family and community participation. States are urged to address the issues of malnutrition of indigenous children victimized by poverty by adopting special measures to ensure and protect the cultivation of traditional food crops.

19. The Permanent Forum recommends that the Working Group on Indigenous Populations undertake a study on genocidal and ethnocidal practices perpetrated on indigenous peoples, including programmes for sterilization of indigenous women and girls, the use of indigenous communities as subjects for nuclear testing or storage of radioactive waste and the testing of unapproved drugs on indigenous children and peoples.

20. The Permanent forum recommends that WHO, in conjunction with indigenous health providers, undertake a study on the prevalence and causes of suicide among indigenous youth, and efforts being undertaken, including culturally based approaches, to address suicide prevention and the promotion of mental health and wellness.